

JONES DAY

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November 2, 2023

VIA ECF

Hon. John G. Koeltl
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Pension, Hospitalization & Benefit Plan of the Electrical Industry v. ConvergeOne Dedicated Services, LLC, 23 CV 8938 (JGK)

Dear Judge Koeltl:

The parties in the above-referenced case jointly submit this letter-motion in accordance with your Individual Practices, to respectfully request that the Court adjourn the parties' obligation to file either a Proposed Case Management Plan or a Rule 26(f) Report (ECF No. 14), and instead approve the parties' proposed briefing schedule for dispositive cross-motions.

This case involves an action by the Pension, Hospitalization & Benefit Plan of the Electrical Industry (the "Fund") seeking to vacate a withdrawal liability arbitration award issued by Arbitrator Elliot H. Shaller on September 11, 2023 (ECF No. 1-1). *See* 29 U.S.C. §§ 1401(b)(2), 1451. The counterclaim filed by ConvergeOne Dedicated Services, Inc. (ECF No. 13) seeks to affirm that arbitration award. *See id.* Based on this posture, the record in this matter is closed and discovery will not be undertaken by either party. The issues presented by the case are legal, and the parties intend to pursue disposition of their claims through dispositive cross-motions.

Therefore, the information the parties would ordinarily set forth in a Proposed Case Management Plan or Rule 26(f) Report is inapplicable here. The parties jointly request that the Court approve their desire to submit dispositive cross-motions in accordance with the briefing schedule proposed below. Should the Court wish to maintain the Initial Conference currently scheduled for December 19, 2023, the parties respectfully request that such conference be rescheduled to another convenient time for the Court given Fund counsel's unavailability on December 19.

Fund's Answer to ConvergeOne's Counterclaim: Monday, November 13, 2023

ConvergeOne's Motion for Judgment on the Pleadings: Monday, November 13, 2023

Fund's Response to ConvergeOne's Motion and Fund's Cross-Motion for Judgment: Monday, December 4, 2023

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ConvergeOne's Response to Fund's Cross-Motion and ConvergeOne's Reply in Support of Motion for Judgment: Friday, December 22, 2023

Fund's Reply in Support of Cross-Motion for Judgment: Friday, January 5, 2024

If this joint request for adjournment and entry of a briefing schedule meets with Your Honor's approval, a "So Ordered" line is provided below for the Court's convenience.

cc: All counsel of record (via ECF)

Dated: November 2, 2023

Respectfully submitted,

/s/ Yaakov M. Roth

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IT IS SO ORDERED.

DATED: 11/3/23


Hon. John G. Koeltl
United States District Judge